

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAYRAN MOHAMMAD OSKUIE,

Petitioner,

v.

EOP,

Respondent.

No. 2:22-cv-1107 WBS CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the filing fee.

Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the petitioner is not entitled to relief. The court has conducted that review.

There are several problems with the petition, including: (1) it is mostly not legible; (2) petitioner did not fill out the form used by this court for habeas corpus relief completely and accurately; (3) petitioner has not named as respondent a state officer who has custody of petitioner in violation of Rule 2 of the Rules Governing Section 2254 Cases.

It also does not appear petitioner presents a valid basis for habeas corpus relief, but it is not clear mostly because petitioner's handwriting is not legible. Petitioner is advised that the

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1 court may only entertain an application for a writ of habeas corpus by a California prisoner on the
2 ground that he or she is in custody in violation of federal law. 28 U.S.C. § 2254.

3 For these reasons, the petition before the court will be dismissed. Petitioner will be
4 granted leave to amend so that he may attempt to cure the deficiencies in the original petition.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Petitioner's request for leave to proceed in forma pauperis (ECF No. 12) is denied as
7 moot as plaintiff has paid the filing fee.

8 2. Petitioner's petition for a writ of habeas corpus is dismissed with leave to amend
9 within 30 days. In his amended petition, petitioner's writing must be legible, he must fill out the
10 court's form for habeas corpus relief completely and accurately and plaintiff must name an
11 appropriate respondent.

12 3. Failure to comply with this order will result in a recommendation that this action be
13 dismissed.

14 4. The Clerk of the Court is directed to send petitioner the court's form application for
15 habeas corpus relief by California prisoners.

16 Dated: February 28, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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